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October 10, 2008

Douglas County Canvassing Board
c/o The Honorable Thad Duvall, Auditor
P.O. Box 456
Waterville, WA 98858

Dear Canvassing Board Members:

In accordance with RCW 29A.04.570, the State Election Certification and Training Program conducted a comprehensive review of election procedures in Douglas County during the 2007 Primary Election.

The RCW also requires a follow-up visit prior to the next Primary or General Election to verify the County has taken the steps necessary to correct the changes recommended in the review report.

This visit was conducted August 8, 2008. The reviewer found that some recommendations have been implemented; several others are not yet fully compliant with statute. Below you will find the initial recommendation followed by the findings of the follow-up visit.

Street and Precinct Data Integrity - Voters residing in a taxing district should not be excluded from being mailed ballots in a timely fashion because of incomplete or inaccurate district information or errors in the street address data. The Douglas County Auditor must examine the precinct boundaries, jurisdiction boundaries, and the election management system street file information for anomalies and discrepancies.

Follow-up: The Douglas County Auditor has implemented a program to examine jurisdiction boundaries using digital mapping, aerial photography, and current information provided by the jurisdiction. This program will be ongoing.

Ballot Deposit Sites - The outside ballot deposit box must be secured at all times with a numbered seal and seal log documenting access, in addition to use of a lock and key. Record of any access must be retained for the retention period.

Follow-up: The video camera originally used as part of the security system at one outside ballot drop site is no longer utilized. All ballot deposit boxes are now secured with numbered seals, seal logs, and locks. All records of access are retained in compliance with the Local Government General Records Retention Schedule.

Verification and Confirmation Notices - The confirmation notice needs revision by removing the statement that implies the voter is not already inactive, and by adding a statement that the voter's registration will be canceled if the voter does not contact the auditor or vote in one of the next two federal elections.

Verification and confirmation notice reply cards must include pre-paid return postage.

The request for verification of the identity of an applicant must state that identification must be provided in order for the voter's ballot to be counted and list the valid forms of alternative identification. The Douglas County Auditor should adopt the sample verification notice detailed in WAC 434-324-045, which includes all required information.

Follow-up: The following revisions have been made by the Douglas County Auditor:

- 1) Confirmation notices now inform the voter of inactive status.
- 2) All reply forms for verification and confirmation notices provide pre-paid return postage.

The following items have not been addressed:

- 1) Confirmation notices do not inform the inactive voter that if the voter does not respond to the notice and does not vote in either of the next two federal elections, his or her voter registration will be cancelled.
- 2) An identification verification notice needs to be created stating the alternate forms of valid identification per WAC 434-324-045.

List Maintenance Program - The use of a general election mailing to fulfill the list maintenance program does not comply with state requirements. If a county-wide mailing is used to implement the program, the mailing must be sent between January 1 and early May every even year. A combination of ballots and ballot applications mailed county-wide during spring election would qualify.

Follow-up: The February Presidential Primary mailings fulfilled the list maintenance requirement for 2008. As of August 11, 2008, WAC 434-324-113 no longer requires counties that vote entirely by mail to meet this requirement.

Notice of Closing of Voter Registration - The Douglas County Auditor is obligated to publish the notice of closing of voter registration no later than thirty-five days prior to the election. A notice of closing must specify the precincts that are closing to transfers and registration, unless the election or primary is county wide. The closing of the voter registration files is only to new

registrations by mail and transfers of voters; closure does not include updating other information or cancellation of voter records.

Follow-up: The Notice of Closing of Voter Registration for the 2008 Primary correctly stated all required information and was published in compliance with the statutory timeline.

Notice of Primary - Because Douglas County conducts all elections by mail, the Douglas County Auditor must add the following information to any notice of election or primary: a statement that no regular polling places are open; instructions on how voters may obtain replacement ballots; notice that postage is needed to return voted ballots; and, the locations and times that disability access units are available to voters. The drop off locations listed must clearly identify when deposit sites are available. The notice must be changed to reflect the correct citation.

Follow-up: The published Notice of the August 19, 2008 Primary did provide the locations and times that ballot deposit sites were available. The notice omitted instructions on obtaining a replacement ballot, notice of postage for returning voted ballots, and locations and times that disability access units were available. The notice still incorrectly referred to RCW 29A.52.351.

Notice of Open Public Meetings - Notices of canvassing board meetings must inform the public that meetings are open to the public, and that records of the proceedings are available for public viewing for a set period of time. Although it is not required, it may be helpful to the elections staff to adopt the language in the WAC.

Follow-up: A notice of public meetings published for the August 19, 2008 Primary correctly listed all meetings as open to the public. No mention was made in the notice that a record of the meeting proceedings would be created and no information was provided regarding availability of those records.

Notification to Major Political Parties - Prior to each primary or election, the major political party chairs should be notified by mail, email, or telephone of the dates and locations for election related activities conducted by the Douglas County Auditor. All activities of ballot processing, tabulation of ballots and canvassing of the election should be specified and election observers should be requested for such activities. The number of observers requested to attend each activity should be included in the notice.

Follow-up: The Douglas County Auditor now sends two notices to the county political party chairs. The first notice invites the parties to participate in an approaching election. A second notice, sent at a later date prior to the election, requests political party participation for scheduled events. This notice includes a request for a specific number of party observers for each election activity.

Public Records Request Form - The public records request must be updated to reflect the maximum fine of a class C felony as ten thousand dollars. A copy of RCW 29A.08.740 must be

provided to every person submitting a request for public information, preferably prior to signing the statement of obligation.

Follow-up: Public records request forms now comply with the review recommendation.

Questionnaires to Cities, Towns, and Districts - The questionnaire sent by the County Elections Department must also verify the annual salary.

Follow-up: The questionnaire in use now complies with statute.

Ballot Security - Ballots must be retained in secure storage when not being processed. Keys used to lock rooms containing ballots should also be stored in such a manner that access is accountable.

Follow-up: The elections department now secures all ballots with numbered seals when not being processed. A locked key box is in use in both processing areas. The key lockers are not sealed with a numbered seal, and do not currently document access.

Ballot Request Forms - The Auditor's Office must have application forms for hospital absentee ballots and special absentee ballots available. The Douglas County Auditor should also develop detailed procedures for issuing and processing special absentee ballots.

Follow-up: The forms are now available at the elections department and the Douglas County Auditor is in the process of developing written office procedures.

Ballot Applications for Inactive Voters - The application for ballots sent to inactive voters must notify voters that if the voter submits the form as a request for cancellation of registration, the request must be signed.

Follow-up: The application for ballots sent to inactive voters now indicates that a voter must sign a cancellation request in order to be cancelled from the registration rolls.

Instructions to Voters - The ballot mailing packet must be revised to provide information to voters regarding obtaining replacement ballots, availability of ballot drop sites with locations and times specific to the election, and a specific warning to voters that identifying marks on a ballot will prevent the ballot from being counted.

Follow-up: The Douglas County Auditor provided times and locations of ballot drop sites in the ballot mailing packet for used for the 2008 Primary. Information pertaining to identifying marks that might invalidate a ballot or how to obtain a replacement ballot was still missing.

Verification of Ballot Signatures - The letter sent requesting an updated signature must include instructions in all methods available to the voter for providing that signature. Signature verification letters must be updated with the required information and should correspond to the

Douglas County Canvassing Board manual. A copy of a voter's current signature should not be enclosed with the letter.

Follow-up: The letter requesting an updated signature has not been revised. A copy of the signature on the registration record is no longer sent to the voter.

Canvassing Board – All meetings of the Douglas County Canvassing Board are open and public and must follow rules for such meetings. The Canvassing Board must maintain minutes of any meeting conducted by the Board. The minutes should include meeting time and date, names of attendees, record of any business conducted, and all actions taken by the Board.

The County Canvassing Board Manual should be reviewed on a regular basis. Any old or noncompliant procedures must be removed or modified to comply with state law. Changes to the manual must be adopted at a public meeting.

Follow-up: A record of all Canvassing Board meetings is now being retained by the Douglas County Auditor. The Douglas County Canvassing Board Manual is currently under review for procedures and policies. Once completed in 2009, the Douglas County Auditor has indicated that the revised manual will be adopted at a public meeting of the County Canvassing Board.

Disability Access - Disability Access Units must be placed in such a manner as to protect the secrecy of the voter but still provide full accessibility.

Follow-up: The Douglas County Auditor proved to be extremely creative in meeting this recommendation. The Douglas County Elections Department now provides a fully accessible and private voting area within the Douglas County Courthouse at the County Auditor's Office.

Thad Duval, Douglas County Auditor, and his staff should be commended for their desire to improve the administration of Douglas County elections and for their full cooperation with the review process.

If you have any questions, please feel free to contact me at 360.725-5770 or lnieland@secstate.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Nieland".

Libby Nieland
Election Certification and Training Program Specialist